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Letter dated 11 February 1992 from the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People addressed to the Secretary-General

In my capacity as Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, I wish to express anguish and outrage at the death of Palestinians in Israeli custody and the systematic use of torture and ill-treatment of Palestinian detainees by the Israeli authorities.

The Palestine Human Rights Information Centre (PHRIC) reported on 5 February 1992 that Mustapha al-Akawi, a 35-year-old Jerusalem resident, died on 4 February, while under interrogation in Hebron Prison in the occupied West Bank. Akawi was detained on 22 January and was brought before the military court in Hebron for extension of detention upon the request of the Shin Beth (Israeli secret service). According to the report, the military judge, after ordering the detention of Akawi for another 8 days (and not for 30 days as requested by the Shin Beth), told Akawi's lawyer, Lea Tsemel, that Akawi had complained of having been beaten during interrogation and had shown the judge deep bruises on both of his arms and shoulders. The lawyer was not permitted to speak with Akawi during the period of his detention or during his court appearances. On 4 February, Akawi's father was summoned to the police station in Jerusalem, and in the father's presence the father's lawyer telephoned Hebron Prison and learned of Akawi's death. The Israeli authorities provided no information on the cause of death.

According to Agence France Presse (AFP), the International Committee of the Red Cross (ICRC) indicated, on 5 February, that it was investigating the circumstances in which Mr. Akawi died in Hebron Prison. The representative of ICRC in Israel told AFP that five prisoners had died after interrogation in that prison since 1989.

On 3 December 1991, PHRIC issued a report documenting "systematic use of torture by electric shock against Palestinian detainees" by the Israelis during interrogation in the Hebron military headquarters. The shocks were applied by thin wires attached to the detainees' heads, necks, arms, legs and genitals. The report concluded that "it is highly unlikely - indeed virtually impossible - that the actions of these interrogators in torturing detainees with electricity were not known by the interrogators' superiors, and possibly others". All the Palestinians interviewed for the report had been subjected to other types of torture, including prolonged beating on various parts of their bodies, threats of execution, and forced witnessing of torture. According to this report, at least 10 Palestinians have died during interrogation since 1987.

In a special report on the military justice system in the occupied territories, Amnesty International concluded, in July 1991, that "the substantial evidence available indicates the existence of a clear pattern of systematic psychological and physical ill-treatment, constituting torture or other forms of cruel, inhuman or degrading treatment, which is being inflicted on (Palestinian) detainees during the course of interrogation".

In March 1991, Betzelem, the Israeli Information Centre on Human Rights in the Occupied Territories, published a report showing that a number of interrogation methods routinely used are prohibited by international human rights instruments, as well as by Israeli laws banning the use of force to extract confessions or information. The report detailed 11 illegal interrogation methods and was based on interviews with 41 Palestinians who had been subjected to such methods. It concluded that the operation of military justice, especially during the intifadah, has undermined the prohibitions and protection afforded by the legal system, particularly through the long periods of incommunicado detention without access to a lawyer and the wide powers given to the Shin Beth, which create a context in which ill-treatment of detainees can go unpunished.

The Committee on the Exercise of the Inalienable Rights of the Palestinian People strongly condemns the use of physical and psychological torture against Palestinian detainees, which is in total violation of Israel's obligations under article 2 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and article 7 of the International Covenant on Civil and Political Rights, which Israel ratified recently, as well as articles 31 and 32 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War.

The Committee therefore urgently appeals to you as well as all those concerned, and in particular the Human Rights Committee and the Committee against Torture, which monitor implementation of the relevant treaties, as well as the High Contracting Parties to the Geneva Convention, to see to it that all the necessary measures are taken in order to ensure that Israel desists forthwith from using illegal methods in its treatment of Palestinian detainees and respects its international obligations.

I should be grateful if you would have the text of this letter circulated as a document of the General Assembly, under agenda item 33, and of the Security Council.

(Signed) Kéba Birane CISSE
Chairman
Committee on the Exercise
of the Inalienable Rights of
the Palestinian People